

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

FORTY-FOURTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 21, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Brandt, Bunderson, Burkett, Cameron, Hill, Keough, Lodge, Marley, McGee, Pearce, Richardson, Sweet, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Denise Evans, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 20, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 21, 2006

The JUDICIARY AND RULES Committee reports that **S 1406**, **S 1407**, **S 1408**, **S 1409**, **S 1410**, **S 1411**, **S 1412**, **S 1413**, and **SCR 124** have been correctly printed.

DARRINGTON, Chairman

S 1406 was referred to the State Affairs Committee.

S 1407, **S 1408**, and **S 1409** were referred to the Judiciary and Rules Committee.

S 1410 and **S 1411** were referred to the Commerce and Human Resources Committee.

S 1412 and **S 1413** were referred to the Health and Welfare Committee.

SCR 124 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 20, 2006

The JUDICIARY AND RULES Committee reports out **S 1399** with the recommendation that it do pass.

DARRINGTON, Chairman

S 1399 was filed for second reading.

February 20, 2006

The JUDICIARY AND RULES Committee reports out **H 533** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **H 533** was referred to the Fourteenth Order of Business, General Calendar.

February 20, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **S 1352** and **S 1353** with the recommendation that they do pass.

SCHROEDER, Chairman

S 1352 and **S 1353** were filed for second reading.

February 20, 2006

The HEALTH AND WELFARE Committee reports out **HCR 34** with the recommendation that it do pass.

COMPTON, Chairman

HCR 34 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 20, 2006

The EDUCATION Committee reports out **S 1382** with the recommendation that it do pass.

GOEDDE, Chairman

S 1382 was filed for second reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 22, 2006

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Dennis Harper of Orofino, Idaho, to be Acting State Senator for Legislative District 8, Clearwater, Idaho, Lewis, and Valley Counties, State of Idaho. This appointment will be effective Wednesday, February 22, 2006, and continue until such time as Senator R. Skip Brandt is able to resume his duties.

Sincerely,
/s/ Dirk Kempthorne
Governor

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO
CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that pursuant to the provisions of Section 59-917, *Idaho Code*, R. Skip Brandt, State Senator, District 8, has nominated Dennis Harper of Orofino, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 8, Clearwater, Idaho, Lewis, and Valley Counties.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Dennis Harper to the office of State Senator, District 8, for a term commencing on February 22, 2006, and continuing until such time as Senator R. Skip Brandt is able to resume his duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this seventeenth day of February, in the year of our Lord Two thousand and six and of the Independence of the United States of America, the two hundred and thirtieth year.

/s/ BY THE GOVERNOR DIRK KEMPTHORNE
/s/ SECRETARY OF STATE BEN YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Brandt, Bunderson, Burkett, Cameron, Hill, Keough, Lodge, McGee, Marley, Pearce, Richardson, Sweet, and Werk were recorded present at this order of business.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the following attaches were elected to fill the offices provided for by the *Constitution* of the State of Idaho and by statute:

Pages:

Ashley Burke, Sagle
Denise Evans, Blackfoot
Brigitte Harper, Rupert
Lana Infanger, Gooding
Kent Johnson, Idaho City
Lacey Keller, Idaho Falls
Emily Kuhl, Ashton
Jessie McLeod, Orofino
Kyle Raese, Garden City
Katie Twiggs, Blackfoot

Whereupon the President Pro Tempore instructed the Sergeant at Arms to escort the attaches to the Secretary's desk at which time the Oath of Office was administered to the elected attaches and they were escorted from the Chamber.

The President Pro Tempore announced that **SCR 123** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Werk, seconded by Senator Davis, **SCR 123** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced that **HJM 10** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Brandt, seconded by Senator Langhorst, **HJM 10** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President Pro Tempore announced that **HJM 11** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Brandt, seconded by Senator Langhorst, **HJM 11** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Health and Welfare Committee report relative to the Gubernatorial appointment of Janet Penfold retained its place on the calendar.

The President Pro Tempore announced the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Robin Sandy was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Burkett, the Gubernatorial appointment of Robin Sandy as a member of the Commission of Pardons and Parole was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1414

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO CRIME VICTIMS COMPENSATION; AMENDING SECTION 72-1003, IDAHO CODE, TO DEFINE "EXTENUATING CIRCUMSTANCES" AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 72-1019, IDAHO CODE, TO PROVIDE THAT A VICTIM FOUND TO HAVE EXTENUATING CIRCUMSTANCES IS ELIGIBLE FOR A MAXIMUM BENEFIT OF TWENTY-FIVE THOUSAND DOLLARS AND TO PROVIDE FOR REEVALUATION OF QUALIFICATIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

S 1415

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO STATEWIDE COMMUNICATIONS INTEROPERABILITY; AMENDING TITLE 46, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 12, TITLE 46, IDAHO CODE, TO DEFINE TERMS, TO CREATE THE IDAHO STATEWIDE INTEROPERABILITY EXECUTIVE COUNCIL IN THE IDAHO BUREAU OF HOMELAND SECURITY, TO PROVIDE FOR COUNCIL PURPOSE, TO PROVIDE FOR COUNCIL RESPONSIBILITIES, TO PROVIDE FOR RULES, TO ESTABLISH THE IDAHO STATEWIDE INTEROPERABILITY EXECUTIVE COUNCIL FUND, TO PROVIDE FOR ADMINISTRATION OF THE FUND, TO PROVIDE FOR COUNCIL MEETINGS, TO PROVIDE FOR APPOINTMENT OF THE COUNCIL CHAIR AND VICE-CHAIR, TO PROVIDE FOR THE APPOINTMENT OF SUBCOMMITTEES, TO PROVIDE FOR APPOINTMENT OF COUNCIL MEMBERS, TO PROVIDE FOR MEMBER TERMS AND TO PROVIDE FOR COMPENSATION FOR COUNCIL MEMBERS; AND PROVIDING A SUNSET DATE.

S 1414 and **S 1415** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1388, by State Affairs Committee, was read the second time at length and filed for third reading.

H 414, **H 454**, and **H 556**, by State Affairs Committee, were read the second time at length and filed for third reading.

S 1300, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1314, as amended, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

S 1340, as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

S 1354, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

At this time Senator Davis arose on a point of personal privilege to announce that a distinguished visitor had arrived, and the President Pro Tempore appointed Senator Williams, Chairman, and Senators Pearce, Fulcher, and Werk to escort the Honorable Larry Craig, United States Senator, into the Senate Chamber where he addressed the members of the Senate.

The President Pro Tempore thanked Senator Craig for his remarks and Senators Williams, Pearce, Fulcher, and Werk escorted the Senator from the Chamber, and the committee was discharged.

S 1321, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1321** passed, title was approved, and the bill ordered transmitted to the House.

The President Pro Tempore called Senator Cameron to the Chair.

S 1335 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--None.

Absent and excused--Darrington, Geddes, Little, Stegner. Total - 4.

Total - 35.

Whereupon the Acting President declared **S 1335** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **S 1364** retained its place on the Third Reading Calendar for Thursday, February 23, 2006.

S 1316 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1316** passed, title was approved, and the bill ordered transmitted to the House.

S 1268 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1268** passed, title was approved, and the bill ordered transmitted to the House.

S 1269 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1269** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **S 1270** retained its place on the Third Reading Calendar for one legislative day.

S 1271 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1271** passed, title was approved, and the bill ordered transmitted to the House.

S 1272 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1272** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 9 a.m., Wednesday, February 22, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary